

CHAPTER 45

(Senate Bill 15)

AN ACT to repeal Section 6 of Article 42 of the Annotated Code of Maryland (1957 Edition), title "Habeas Corpus", sub-title "Jurisdiction and Procedure", and to repeal and re-enact, with amendments, Section 7 of said Article and sub-title, said Section 6 providing that any person may apply to the Court of Appeals of Maryland for leave to prosecute an appeal from an order of a Judge refusing to issue a writ of *habeas corpus*, or discharging or remanding the person seeking such writ, and eliminating reference thereto in Section 7.

WHEREAS, The Post Conviction Procedure Act provides a procedure for challenging the legality of incarceration under judgment of conviction of a crime and sentence of death or imprisonment therefore, and

WHEREAS, That Bill provides that any person may apply to the Court of Appeals of Maryland for leave to appeal from an Order passed under that Act; now, therefore

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That Section 6 of Article 42 of the Annotated Code of Maryland (1957 Edition), title "Habeas Corpus", sub-title "Jurisdiction and Procedure", be and it is hereby repealed.

SEC. 2. *And be it further enacted*, That Section 7 of Article 42 of the Annotated Code of Maryland (1957 Edition), title "Habeas Corpus", sub-title "Jurisdiction and Procedure", be and the same is hereby repealed and re-enacted, with amendments, to read as follows:

7. The provisions of Section 4 [.] and 5 [and 6] shall not apply to any case unless the petitioner is detained for or confined as the result of a prosecution for a criminal offense or has been confined as a defective delinquent under the provisions of Article 31-B of the Code, title "Defective Delinquents".

SEC. 3. *And be it further enacted*, That this Act shall take effect June 1, 1958.

Approved April 4, 1958.

CHAPTER 46

(Senate Bill 17)

AN ACT to repeal and re-enact, with amendments, Section 7 of Article 89-B of the Annotated Code of Maryland (1957 Edition),

EXPLANATION: *Italics indicate new matter added to existing law.*

[Brackets] indicate matter stricken from existing law.

CAPITALS indicate amendments to bill.

~~Strike out~~ indicates matter stricken out of bill.